IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA	9-40CD 422
Plaintiff,) 8:10CR433)
vs.) DETENTION ORDER
MIGUEL GUERRERO TAPIA,	
Defendant.	}
A. Order For Detention After waiving a detention hearing pursuant Act on December 22, 2010, the Court order pursuant to 18 U.S.C. § 3142(e) and (i).	to 18 U.S.C. § 3142(f) of the Bail Reformers the above-named defendant detained
B. Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.	
Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following: X (1) Nature and circumstances of the offense charged: X (a) The crime: fraud and misuse of identification documents (Count I) in violation of 18 U.S.C. § 1546(b) carries a maximum sentence of five years imprisonment; the false claim of U.S. citizenship (Count II) in violation of 18 U.S.C. § 911 carries a maximum sentence of three years imprisonment; the false use of a Social Security number (Count III) in violation of 42 U.S.C. § 408(a)(7)(B) carries a maximum sentence of five years imprisonment; and the illegal reentry into the United States after having been deported (Count IV) in violation of 8 U.S.C. § 1326 carries a maximum sentence of two years imprisonment. (b) The offense is a crime of violence. (c) The offense involves a narcotic drug. (d) The offense involves a large amount of controlled substances, to wit: (2) The weight of the evidence against the defendant is high. X (3) The history and characteristics of the defendant including: (a) General Factors: The defendant appears to have a mental condition which may affect whether the defendant will appear. X The defendant has no family ties in the area. X The defendant has no substantial financial resources. X The defendant has no substantial financial resources. X The defendant does not have any significant community ties. Past conduct of the defendant: The defendant has a history relating to drug abuse.	

	The defendant has a history relating to alcohol abuse.
	The defendant has a significant prior criminal record.
	The defendant has a prior record of failure to appear at
	court proceedings.
(b)	At the time of the current arrest, the defendant was on:
(-)	Probation
	Parole
	Release pending trial, sentence, appeal or completion of
	sentence.
(c)	Other Factors:
(0)	X The defendant is an illegal alien and is subject to
	deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted.
	X The Bureau of Immigration and Custom Enforcement
	(BICE) has placed a detainer with the U.S. Marshal.
	Other:
	Outer.

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 23, 2010.

BY THE COURT:

s/ Thomas D. Thalken United States Magistrate Judge